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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/897,217	07/14/1997	DAWSON F. DEAN	P-2057/723	4193
22801	7590	08/26/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			BULLOCK JR, LEWIS ALEXANDER	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	08/897,217	DEAN, DAWSON F.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lewis A. Bullock, Jr.	2126	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 22-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15, 22 and 33-36 is/are allowed.
- 6) ☒ Claim(s) 23-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. In view of the appeal brief filed on 5/3/04, PROSECUTION IS HEREBY REOPENED. The non-final rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 23-32 are rejected under 35 U.S.C. 102(e) as being anticipated by GRATE (U.S. PATENT 5,956,483).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claim 23, GRATE teaches a method for serving remote procedure calls received from an instruction set (button / code selected by the user on a HTML document) that executes within a first computer process (browser application), the first computer process (browser application) executing in a computing device (computer system) that serves the remote procedure calls (local procedure calls), the method comprising: receiving a request for a data file (HTTP post message received by Shopper application) (via selection by the user) from the instruction set, the request according to a data file retrieval protocol (HTTP); determining that the request for the data file specifies a function (embedded function) which is defined within a second computer process (Shopper application) executing in the computing device independently of the instruction set and of the first computer process (browser application), the function including one or more computer instructions (pop up a dialogue), execution of which performs a task which is unrelated to both generation and retrieval of any data file (URL) specified in the request (via the AddLineItem method / SubmitOrder method / ModifyWallet method / ModifyAddressBook method); and executing the function in the computing device to execute the one or more computer

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instructions in response to receipt of the request (pops up a dialogue so that the values can be changed) (col. 7, lines 28 – col. 8, line 55; col. 8, line 66 – col. 10, line 63).

As to claim 24, GRATE teaches determining that the request includes a data file specification (http Post message) which is in a portion of a name space reserved for function requests (rpc data stored in a part of the request message) (col. 10, lines 26-63; col. 9, lines 39-67).

As to claims 25 and 26, GRATE teaches returning result data / document produced by execution of the function to the first computer process (browser) (via popping up a dialog for changing the attributes) (col. 7, lines 28 – col. 8, line 55).

As to claim 27, GRATE teaches protocol is http (col. 9, lines 39-68).

As to claims 28-32, reference is made to the system that corresponds to the method of claims 23-27 and is therefore met by the rejection of claims 23-27 above.

***Allowable Subject Matter***

4. Claims 1-15, 22 and 33-36 are allowed.
5. The following is an examiner's statement of reasons for allowance: The cited claims are allowable for at least the following reason: All of the claims detail determining that the request specifies a function which is defined within a computer

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process executing independently of another computer process and which includes one or more computer instructions, execution of which performs a task which is unrelated to both generation and retrieval of any document specified in the request. The cited prior art of record does not teach the limitation as disclosed. As detailed in the appeal brief, Savitzky in combination with Jaworsky does not teach the combination as disclosed because the script when executed functions to allow for the generation and returning of the document when invoking the script. Applicant's invention expressly eliminates this by detailing the execution of the function wherein the function does not generate the document. This limitation is disclosed in the specification on page 11, line 20 – page 12, line 6, wherein the URL filter receives from RPC function any results produced by execution of the RPC function and packages those results into a document. Based on this section and arguments made in the Appeal Brief, the function does not execute and generate a document of results but executes and returns results so that they are later packaged into a document. The combination as disclosed does not teach the cited limitation as disclosed. Prior Art U.S. Patent 5,956,483, commonly assigned, teaches making local function calls between a browser application and a local application such that the function calls are embedded within a HTTP Post message and executed locally by the local application. Some of the functions detail execution of functions not related to the generation or retrieval of a document as detailed on column 8, table 2 of the patent. However, the functions are generated by an applet as disclosed in the claims but are encoded into the HTML form code of a displayed document such that when a user manipulates the document the request is generated. The cited claims are

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therefore allowable over this prior art reference because the applet and not the user performs the remote procedure calls to a local application as disclosed in the claims.

The commonly assigned patent does not teach or suggest to one skilled in the art that an applet is allowed to invoke remote procedure calls onto another process. Applicant's admitted prior art teaches that prior systems would not allow for this to occur and that the invention corrects this informality. Therefore, these claims are allowable over the prior art of record.

### ***Conclusion***

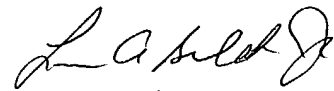
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 23, 2004

  
**LEWIS A. BULLOCK, JR.**  
**PRIMARY EXAMINER**